

Remarks

In the outstanding Official Action, the Examiner:

(1) indicated that the listing of references in the specification is not a proper information disclosure statement;

(2) objected to claim 23 because of informalities, and required correction;

(3) rejected claims 1-3, 6, 7, 16, 23, 37 and 38 under 35 USC 102(b) as being anticipated by Lemmen;

(4) rejected claims 1-6, 13, 16-19, 22, 37 and 38 under 35 USC 102(e) as being anticipated by Organ et al; and

(5) indicated that claims 8-12, 14, 15, 20, 21 and 24-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to Item 1 above, Applicants have now submitted an Information Disclosure Statement herewith so as to properly cite the references contained in the specification of the above-identified patent application.

In response to Item 2 above, Applicants have now amended claim 23 to more clearly define the present invention.

Specifically, claim 23 is now amended to recite that the sensor comprises a stimulator configured to generate a stimulus and apply the stimulus to stimulate a nerve at the first anatomical site, and to recite that the sensor comprises a detector comprising a plurality of electrodes configured to detect at least one signal generated in response to the stimulus. Accordingly, claim 23 is believed to be allowable.

In response to Item 3 above, Applicants have now amended claims 1-3, 23 and 37 to more clearly define the present invention with respect to the prior art of record.

Claims 1, 3 and 23 each comprise a sensor, the sensor comprising a stimulator and a detector, and wherein the sensor comprises a connector configured to automatically position the detector substantially adjacent to a second anatomical site when the stimulator is positioned substantially adjacent to a first anatomical site.

Applicants believe that Lemmen discloses apparatus for use in nerve conduction studies including electrodes which are adjustably positionable with respect to one another using a fixture configured to indicate the distance between the electrodes. Applicants believe that Lemmen does not disclose a

connector configured to automatically position the detector substantially adjacent to a second anatomical site when the stimulator is positioned substantially adjacent to a first anatomical site inasmuch as the fixture of Lemmen is configured to adjustably position the electrodes with respect to one another. Accordingly, claims 1, 3 and 23 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 6, 7 and 16, which directly depend from independent claim 3, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 6, 7 and 16 is respectfully requested.

Claim 2 comprises apparatus for assessing physiological function in an individual comprising a sensor, wherein the sensor comprises a processor for processing the at least one signal from the detector to select from the plurality of electrodes at least one electrode detecting at least one signal characteristic of the anatomical site.

Applicants believe that Lemmen discloses apparatus for use in nerve conduction studies including a controller configured to control the application of an electrical impulse from the nerve

stimulator to the cathode and configured to receive the electrical output signals from the electrodes so as to process the information to present an appropriate display of amplitude and distal latency. Applicants believe that Lemmen does not disclose a sensor which comprises a processor for processing at least one signal from a detector to select from the plurality of electrodes at least one electrode detecting at least one signal characteristic of the anatomical site. Accordingly, claim 2 is believed to be in condition for allowance.

Claim 37 comprises connecting means for connecting stimulus means and detecting means, and the connecting means configured to automatically position the detecting means substantially adjacent a second anatomical site when the stimulating means are positioned substantially adjacent a first anatomical site.

Applicants believe that Lemmen discloses apparatus for use in nerve conduction studies including electrodes which are adjustably positionable with respect to one another using a fixture configured to indicate the distance between the electrodes. Applicants believe that Lemmen does not disclose a connector configured to automatically position the detector substantially to a second anatomical site when the stimulator is

positioned substantially adjacent to a first anatomical site inasmuch as the fixture of Lemmen is configured to adjustably position the electrodes with respect to one another.

Accordingly, claim 37 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Accordingly, claim 37 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claim 38, which directly depends from independent claim 37, is believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 38 is respectfully requested.

In response to Item 4 above, Applicants have now amended claims 1-3 and 37 to more clearly define the present invention with respect to the prior art of record.

Claims 1-3 each comprise a stimulator configured to generate a stimulus and apply the stimulus to stimulate a nerve at the first anatomical site, and a detector comprising a plurality of electrodes configured to detect a signal generated in response to the stimulus.

Applicants believe that Organ et al. disclose an apparatus comprising an array of pairs of current injection electrodes and

pairs of voltage measurement electrodes configured to obtain impedance measurements therebetween, respectively. Applicants believe that Organ et al. do not disclose a stimulator configured to generate a stimulus to stimulate a nerve at a first anatomical site, and a detector comprising a plurality of electrodes configured to detect a signal generated in response to the stimulus. Accordingly, claims 1-3 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 4-6, 13, 16-19 and 22, which depend either directly or ultimately from independent claim 3, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 4-6, 13, 16-19 and 22 is respectfully requested.

Claim 37 comprises stimulus means for producing a stimulus and for applying the stimulus at a first anatomical site to stimulate a nerve, and detecting means comprising a plurality of electrodes for detecting at least one signal characteristic of a second anatomical site generated in response to the stimulus.

Applicants believe that Organ et al. disclose an apparatus comprising an array of pairs of current injection electrodes and

pairs of voltage measurement electrodes configured to obtain impedance measurements therebetween, respectively. Applicants believe that Organ et al. do not disclose stimulus means for producing a stimulus and for applying the stimulus at a first anatomical site to stimulate a nerve, and detecting means for detecting at least one signal characteristic of a second anatomical site generated in response to the stimulus. Accordingly, claim 37 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claim 38, which directly depends from independent claim 37, is believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 38 is respectfully requested.

In response to Item 5 above, Applicants thank the Examiner for his indication that claims 8-12, 14, 15, 20, 21 and 24-36 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 39-60 correspond to claims 39-42, 45, 43, 44, 46-48, 55-58, 49, 51, 54, 50, 52, 53, 59 and 60, respectively, and are written to include all of the limitations of the corresponding claim including the respective base claim

and any intervening claims. Accordingly, new claims 39-60 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

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